IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7182 of 1989

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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GAURISHANKAR PRAHLADJI SHUKLA

Versus

STATE OF GUJARAT

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Appearance:

None present for Petitioner

MS MANISHA LAVKUMAR for Respondent No. 1, 2

None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/07/2000

ORAL JUDGEMENT

Heard the learned counsel for the respondents and perused the special civil application.

2. In the special civil application prayer has been

made for quashing and setting aside of the decision dated 13-9-1989 of the respondents whereby area Bhadrada Gram Panchayat is divided into two Gram Panchayats namely, Bhadrada Gram Panchayat and Singotariya-Timba Gram Panchayat. Notification which has been issued accordingly has also been prayed to be quashed and set aside. On 28th November, 1989, this petition was admitted and following order has been passed:

Rule.

It is an admitted fact that Bhadrada Gram Panchayat passed resolution on 30-6-89 requesting the Development Commissioner to bifurcate the Gram Panchayat in two panchayats. It is also admitted that before 30-6-89, election of the members of the Gram Panchayat took place and new body was elected on 25-6-89. The members of the previous body were defeated candidates. In spite of this, defeated candidates passed the aforesaid resolution for bifurcation of the Panchayat. It is also admitted that District Panchayat has not given any opinion as required under the provisions of sec.9 of the Gujarat Panchayats Act. Thereafter, the Executive Committee of the Taluka Panchayat has recommended to the Development Commissioner for bifurcation of the Gram Panchayat. That resolution is dated 24-7-89. It has been pointed out by the learned Advocate appearing for the petitioner that D.D.O. Mehsana has restrained the Taluka Panchayat and its Executive Committee from passing any resolution.

In this view of the matter and taking into consideration allegation of malafide, operation of the notification dated 30-9-89 bifurcating Bhadrada Gram Panchayat is stayed.

3. Meaning thereby, the operation of the notification dated 30th September, 1989 bifurcating Bhadrada Gram Panchayat has been stayed and it continues for all these years. The aforesaid notification could not be given effect to by the State Government in view of the order of this court aforesaid.

4. In view of this fact, the interest of justice will be served in case this special civil application is disposed of in terms that the matter may be considered afresh and the authority concerned may pass the order in accordance with law. The special civil application and

Rule stand disposed of accordingly with no order as to costs.

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